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September 9, 2004

Mr. J. I. Palmer, Jr.
Regional Administrator
U.S. EPA, Region IV
Sam Nunn Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, GA 30303

Mr. Richard E. Greene
Regional Administrator
U.S. EPA, Region VI
1445 Ross Avenue
Suite 1200
Dallas, Texas 75202

RECEIVED
2004 SEP 10
EXTERNAL AFFAIRS DIVISION

Re: Memphis Ozone Nonattainment Area Petition for Downward Reclassification

Dear Mr. Palmer and Mr. Greene:

This letter serves to transmit additional information to you in support of the recent request by the States of Arkansas and Tennessee that EPA reclassify Crittenden County, Arkansas and Shelby County, Tennessee (Memphis) from a moderate to a marginal nonattainment area under the 8-hour Ozone National Ambient Air Quality Standard ("Petition"). This additional information is being provided as a result of ongoing discussions about the Petition with EPA staff.

We continue to believe that the information previously submitted builds a substantial case to approve the Petition. The preponderance and weight of the evidence presented clearly points to the marginal characteristics of the Memphis ozone nonattainment area and that the area is likely to attain the 8-hour ozone standard as soon as 2007. It also shows that the additional environmental benefits to be obtained from the higher moderate classification for the area would be minor at best. Finally, in terms of new technical information, the most current air quality data for the period of 2002 to 2004 (to date) indicates that the ozone design values for the Memphis area monitors are now within the marginal ozone concentration range. Additional monitoring information to support our request is attached.

Although all parties to the petition have worked collaboratively to support the request, Shelby County recognizes its position as the source of the majority of manmade ozone precursor emissions in the area. As such, Shelby County has demonstrated that it will take a leadership role in identifying and implementing measures that will result in the greatest environmental benefit. In addition to the technical information and analyses provided as part of this process, I would like to update you on current activities and plans to proactively evaluate and implement additional controls in the Memphis area that will further improve local and regional air quality. While the nonattainment area under the 8-hour ozone standard goes beyond the borders of Shelby County, nonattainment requirements discussed herein apply only to Shelby County. However, it is our hope that basic nonattainment requirements and area equity issues, taking into account the specific needs of each county, will occur.

Two of the most effective controls initially identified in Shelby County include a reduction in heavy-duty diesel truck speeds and an adoption of a NOx RACT rule. On August 26, 2004, the Executive Board of the Metropolitan Planning Organization unanimously passed a resolution directing the Tennessee Department of Transportation to post a 55 mile per hour speed limit on all portions of the urban interstate system within Shelby County. The Board directed that this will take effect prior to the beginning of the 2005 ozone season if there is a favorable response to the Petition from EPA. Representatives from Shelby County attended the July meeting of the Tennessee State Air Board meeting where a proposed NOx RACT rule was on the agenda for consideration. The Board appeared receptive to the rule, but procedural requirements caused the rule to be re-opened for an additional public comment period. This rule will be before the Board again during the November Board meeting. This rule will affect other counties in Tennessee besides Shelby. Shelby County supports this rule, but should it fail to pass during the November Board meeting, the Health Department is committed to begin the adoption of a local NOx RACT rule with the goal of having expected controls in place by the beginning of the 2006 ozone season.

Two important activities in the Petition are the Marion Monitor Study and a control measures evaluation. All parties to the Petition have agreed to participate in these activities with the Arkansas Department of Environmental Quality taking the lead in the monitor study. Though these activities are linked, they are independent. The control measures evaluation is an on-going process that is supported directly in Shelby County by the Health Department and the Clean Air Coalition. During the course of this evaluation, emission reductions will be quantified and any measure that is identified as being effective will be implemented as expeditiously as possible. These control measures could be rules adopted for new measures which are above and beyond those identified in past modeling (e.g., the Early Action Compact initiative). Upon the final outcome of the monitor study concerning the possible identification of sources that cause the Crittenden County ozone monitor to exceed the 8-hour ozone standard, Shelby County will take action that is within our legal authority to control emissions to reach acceptable emission rates and in so doing not contribute to or cause ozone exceedances at any monitor. All efforts will be made to implement such actionable emission reductions by the beginning of the 2006 ozone season, but must, by necessity, progress within legal and technical limitations. Recognizing that not all measures are easily quantifiable, where possible and as local resources allow, emissions

reduction measures considered for implementation as a result of these two activities will be quantified for inclusion in future models. Examples of easily quantifiable measures include industrial controls and certain fuel strategies. Difficult to quantify measures include educational campaigns and incentive programs.

This Petition is an incentive to achieve cleaner air sooner. If the Petition is rejected and the area remains designated as moderate nonattainment, the expected attainment date is in 2010 with a requirement to adopt rules in a State Implementation Plan (SIP) by 2007 for effectiveness in 2009. If the area is reclassified to marginal, the expected attainment date is in 2007. Shelby County must implement intelligent actions locally to achieve that goal. The process will continue under a moderate designation, but some of the urgency will be removed. Currently, industry leaders and elected officials are prepared to take actions that are not currently required but that can lead to meeting the standard by 2007 rather than 2010. Maintaining a moderate designation would serve to reduce the incentive for early reductions, thereby losing momentum in the quest for improved air quality on an expedited schedule.

In conclusion, I continue to urge you to approve the Petition and believe that this additional information further strengthens our request. The Petition seeks only to provide an appropriate classification to our region, as specifically allowed in the Clean Air Act. Please contact me or Bob Rogers of my staff if you have any questions concerning this matter.

Sincerely,

Yvonne Madlock

Yvonne Madlock
Director

Enclosures

cc: A C Wharton, Jr., Mayor of Shelby County
Dr. Willie W. Herenton, Mayor, City of Memphis
Betsy Childs, Commissioner, Tennessee Department of Environment and Conservation
Barry Stephens, Director, TDEC – APC Division
Becky Keogh, Deputy Director, ADEQ
Mike Bonds, Chief, ADEQ Air Division
Bob Rogers, Memphis and Shelby County Health Department